

# SECTION 42A REPORT

## MOTUROA ISLAND

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**Appendix 1: Recommended amendments to Moturoa Island chapter**

**Appendix 2: Recommended decisions on submissions to Moturoa Island chapter**

## List of Abbreviations

### Submitters

<b>Submitter Number</b>	<b>Abbreviation</b>	<b>Full Name of Submitter</b>
S368	FNDC	Far North District Council
S512	FENZ	Fire and Emergency New Zealand
S482	Heavy Haulage Assoc Inc	House Movers Section of New Zealand Heavy Haulage Association Inc

### Others

<b>Abbreviation</b>	<b>Full Term</b>
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act

## **1 Executive summary**

1. The Far North PDP was publicly notified in July 2022. The Moturoa Island chapter is located in Part 3: Area Specific Matters and is one of the 12 chapters within the Special Purpose Zones section of the PDP.
2. 6 original submissions (with 9 individual submission points) and 2 further submissions (with 2 individual submission points) were received on the Moturoa Island topic. 4 original submission points indicated general support for the provisions to be retained as notified, 3 submission points indicated support in part, with changes requested, whilst no submission points opposed the provisions.
3. The submissions can largely be categorised into several key themes:
  - a) Specific recognition of the National Grid
  - b) Support for notified provisions
  - c) Specific recognition of Emergency Services
  - d) Relocatable buildings as a permitted activity
  - e) Farming provisions

This report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues raised in submissions. This report is intended to assist the Hearings Panel to make recommended decisions on the submissions and further submissions on the PDP, to provide submitters with an opportunity to see how their submissions have been evaluated, and to explain the recommendations made by officers prior to the hearing.

4. The key changes recommended in this report relate to:
  - a) Amendment to the farming rule to clarify its intent that only certain types of farming on Moturoa Island are permitted.
  - b) Amendment to the description of the new buildings and structures rule to clarify relocated buildings are included.

## **2 Introduction**

### **2.1 Author and qualifications**

5. My full name is Kenton Robert Owen Baxter, and I am a Policy Planner in the District Planning Team at FNDC.
6. I hold the qualification of a Master of Planning and a Bachelor of Environmental Management and Planning obtained from Lincoln University.
7. I am an intermediate member of the New Zealand Planning Institute.

8. I have five years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; and the preparing of resource consent applications. This experience has been gained from working for both local government and in the private sector.

## **2.2 Code of Conduct**

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
10. I am authorised to give this evidence on the Council's behalf to the PDP hearings commissioners ("Hearings Panel").

## **3 Scope/Purpose of Report**

11. This report has been prepared in accordance with Section 42A of the RMA to:
  - a) assist the Hearings Panel in making their recommended decisions on the submissions and further submissions on the PDP; and
  - b) provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
12. This report responds to submissions on Moturoa Island.
13. When submissions pertain to matters covered in other chapters, the report addresses them in connection with the Moturoa Island chapter. It does not address specific details of these matters if they are more appropriately addressed in another chapter.
14. The submissions on Standard 1 (Setback from MHWS) are being considered in the Coastal Environment topic. Reporting officers for the PDP have collectively discussed and agreed that:
  - a) It is more efficient to consider and respond to submissions on setbacks from MHWS as part of the Coastal Environment topic;
  - b) It is more efficient for controls on buildings in relation to MWHS to be addressed through consistent rules and standards in the Coastal Environment topic; and
  - c) Setbacks from MHWS (Standard 1) should be deleted from the zone chapters to avoid duplication.
15. As a result, this Report does not consider submissions on Standard MIZ-S1 (Setbacks from MHWS). However, Appendix 2 (Recommended amendments to Provisions) recommends deleting Standard MIZ-S1 from

the zone chapter for integration and consistency with recommendations in the Coastal Environment and Natural Character topics.

16. I am not aware of any requests for new zones, which apply to land that is currently zoned Moturoa Island in the PDP.
17. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
18. Separate from, and in addition to the recommendations in this Section 42A report, Council has made a number of amendments to the PDP, including this chapter, in accordance with c16(2) of the RMA. These are minor corrections arising from drafting errors to ensure consistent formatting of rules and standards. This includes inserting semi colons between each standard, followed by "and" after the second to last standard (where all of the standards must be met to comply) or "or" (when only one of the standards must be met to comply). These changes are neutral in effect and do not alter the intent of the rules or standards, they simply ensure consistent formatting. The c16 corrections are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions).

## **4 Statutory Requirements**

### **4.1 Statutory documents**

19. I note that the Moturoa Island Section 32 report provides a detailed record of the relevant statutory considerations applicable to the Moturoa Island Chapter.
20. I also note that the s42A report for Hearing 1 (Strategic Direction), sets out the relationship between the sections of the RMA and "higher order documents" i.e. relevant iwi management plans, other relevant plans and strategies.
21. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
22. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan, which are relevant to the Moturoa Island Chapter.

#### **4.1.1 Resource Management Act**

23. The Government elected in October 2023, has repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on the 22 of December 2023 and has reinstated the RMA as Zealand's primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact

timing are unknown. The RMA continues to be in effect until new replacement legislation is passed.

## 4.1.2 National Policy Statements

### 4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

24. There are no new NPSs or changes to operative NPSs that are of particular relevance to the submissions received on the Moturoa Island chapter. The relevant NPSs were addressed as part of the Statutory Context within the Moturoa Island Section 32 Report.

### 4.1.2.2 National Policy Statements – Announced Future Changes

25. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various National Policy Statements (summarised in Table 1 below). The below NPS are not anticipated to be of general relevance to the submissions received on the Moturoa Island topic but have been included for completeness.

**Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as at March 2024)**

<b>National Statement</b>	<b>Policy</b>	<b>Summary of announced future changes</b>	<b>Indicative Timing</b>
National Policy Statement for Freshwater Management (NPS-FM)		<ul style="list-style-type: none"> <li>Changes to hierarchy of obligations in Te Mana o Te Wai provisions</li> <li>Amendments to NPS-FM, which will include a robust and full consultation process with all stakeholders including iwi and the public</li> </ul>	<p>End of 2024</p> <p>2024 - 2026</p>
National Policy Statement on Indigenous Biodiversity (NPS-IB)		<ul style="list-style-type: none"> <li>Amendments to the NPS-IB</li> <li>Work to stop/cease implementation of new Significant Natural Areas</li> </ul>	2025 - 2026
National Policy Statement for Urban Development (NPS-UD)		<ul style="list-style-type: none"> <li>Amendments to NPS-UD, including requirements for Tier 1 and 2 Council to 'live zone' enough land for 30 years of housing growth, and making it easier for mixed use zoning around transport nodes.</li> </ul>	By end of 2024
National Policy Statement for Renewable Electricity Generation (NPS-REG)		<ul style="list-style-type: none"> <li>Amendments to NPS-REG, to allow renewable energy production to be doubled</li> </ul>	By end of 2024
National Policy Statement for Electricity Transmission (NPS-ET)		<ul style="list-style-type: none"> <li>Amendments to NPS-ET, but at this stage direction and amendments are unclear.</li> </ul>	By end of 2024
National Policy Statement for Highly Productive Land (NPS-HPL)		<ul style="list-style-type: none"> <li>Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible</li> </ul>	2024 - 2025

National Statement	Policy	Summary of announced future changes	Indicative Timing
		amendments to the definition of 'Highly Productive Land' to enable more flexibility	
Proposed National Policy Statement for Natural Hazards (NPS-NH)		<ul style="list-style-type: none"> <li>No update on progress has been provided by current government.</li> </ul>	Unknown

#### 4.1 Council's Response to Current Statutory Context

26. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
27. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process, and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).
28. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
29. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

##### 4.1.1 National Environmental Standards

30. There are no new National Environmental Statements that are of particular relevance to the submissions received on the Moturoa Island chapter.

##### 4.1.2 National Planning Standards

31. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Moturoa Island provisions proposed and recommended in this report follow the National Planning Standards in accordance with the special purpose zone template.

#### **4.1.3 Treaty Settlements**

32. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

#### **4.1.4 Iwi Management Plans – Update**

33. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Moturoa Island, the Ngāti Hine Environmental Management Plan does not provide specific direction as the Moturoa Island zone sites outside the Ngāti Hine rohe.

34. The Ahipara Takiwā Environmental Management Plan was updated in 2023, after notification of the PDP in July 2022. In respect of the Moturoa Island Chapter, the environmental management plan does not provide specific direction as the Moturoa Island Special Purpose zone sits outside the implicated rohe.

#### **4.2 Section 32AA evaluation**

35. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.

36. The s32AA further evaluation for each key issue considers:

- a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
- b) The reasonably practicable options for achieving those objectives.
- c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
- d) The efficiency and effectiveness of the provisions for achieving the objectives.
- e) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.

37. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made.



### **4.3 Procedural matters**

38. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

## **5 Consideration of submissions received**

### **5.1 Overview of submissions received**

39. A total of 6 original submissions and 2 further submissions were received on the Moturoa Island Chapter.

40. The main submissions on the Moturoa Island Chapter came from:

- a) Transpower New Zealand Ltd ("Transpower" / S454) seeking an amendment to ensure critical infrastructure, such as transmission facilities is provided for within the Moturoa Island Special Purpose zone.
- b) Moturoa Island Limited ("Moturoa Island Limited" / S30) support objective, policy and rule provisions as notified.
- c) FENZ (S512) who support the policy which refers to consideration for provision of potable and firefighting water supply. They also seek that emergency service facilities are permitted and exempt from certain requirements.
- d) Heavy Haulage Assoc Inc (S482) seek to make relocated buildings a permitted activity.
- e) FNDC (S368) seek a minor amendment to the wording of a rule.

41. The key issues identified in this report are set out below:

- a) Key Issue 1: Specific recognition of the National Grid
- b) Key Issue 2: Support for notified provisions
- c) Key Issue 3: Specific recognition of Emergency Services
- d) Key Issue 4: Relocatable buildings as a permitted activity
- e) Key Issue 5: Farming provisions

42. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the moderate number of submissions received each individual submission point raised in the submissions can be addressed. This part of the report groups similar submission points together under key issues or provisions. This approach provides a concise response to, and recommended decisions on, submission points.

### **5.2 Officer Recommendations**

43. A copy of the recommended plan provisions for the Moturoa Island chapter is provided in **Appendix 1 – Recommended provisions** to this report.
44. A full list of submissions and further submissions on the Moturoa Island chapter is contained in **Appendix 2 – Recommended Decisions on Submissions** to this report.
45. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) [Summary of submissions volumes](#), the associated Section 32 report on this chapter [S.32 - Moturoa Island](#), the overlays and maps on the ePlan [FNDC-ePlan](#).

### 5.2.1 Key Issue 1: Specific recognition of the National Grid

#### Overview

Provision(s)	Officer Recommendation(s)
New Objectives, Policies and Rules	<ul style="list-style-type: none"> <li>Reject – Retain as notified</li> </ul>

#### Analysis of Submissions on Key Issue 1

##### Matters raised in submissions

46. Transpower (S454.137) requests provisions within the Moturoa Island Special Purpose zone to ensure critical infrastructure, such as transmission facilities, are provided for.

##### Analysis

47. Since making their submission, Transpower has contacted Council to advise that they no longer wish to pursue the submission points seeking changes to the zone chapters to recognise transmission facilities, including submission S454.137. Transpower understands that the Infrastructure Chapter of the PDP provides the provisions for Infrastructure (and for protection of Infrastructure) on a district-wide basis, therefore no changes to the zone provisions are necessary.

##### Recommendation

48. For the above reasons, I recommend submission S454.137 is rejected and the approach to deal with it in the Infrastructure Chapter is appropriate.

### 5.2.2 Key Issue 2: Notified Objectives and Policies

#### Overview

Provision(s)	Officer Recommendation(s)
Objectives and Policies	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>

#### Analysis of Submissions on Key Issue 2

##### Matters raised in submissions

49. Moturoa Island Limited (S30.001 and S30.002) supports the objectives and policies as notified in the PDP. The reasons for the submitter’s support are that they consider the ODP and the PDP are satisfactory, especially regarding the management of significant natural beauty and cultural areas. They support adopting the objectives and policies of the PDP without any amendments.

**Analysis**

50. The content of the notified PDP Moturoa Island chapter has largely been rolled over from the ODP although it has been updated to align with the National Planning Standards.

51. In response to this submission, I agree that the notified PDP objectives and policies are appropriate. There are no other submissions that oppose these provisions.

**Recommendation**

52. For the above reasons, I recommend submissions S30.001 and S30.002 are accepted and the objectives and policies for the Moturoa Island Zone are retained as notified.

**Section 32AA evaluation**

53. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

**5.2.3 Key Issue 3: Specific recognition of Emergency Services**

**Overview**

Provision(s)	Officer Recommendation(s)
Entire Chapter	<ul style="list-style-type: none"> <li>• Do not insert changes to provide for emergency services</li> </ul>

**Analysis of Submissions on Key Issue 3**

**Matters raised in submissions**

54. FENZ (S512.044) supports policy MIZ-P7 and seeks that it be retained as notified. This policy lists matters to be considered where relevant to applications for resource consent including the provision for a potable and firefighting water supply. The submitter requests this approach is copied throughout the District Plan.

55. FENZ (S512.068) requests a new permitted activity rule for emergency service facilities and for these activities to be exempt from standards relating to setback distances and vehicle crossings. FENZ note that fire stations are currently located in a range of zones in the Far North District and that the PDP currently only includes rules for emergency service facilities in some zones with different activity status. FENZ considers that emergency service facilities should be provided for as permitted activities across all zones in the PDP to ensure new fire stations can be efficiently

developed as appropriate. This is a plan-wide request from FENZ with multiple submission points on the PDP seeking the same relief.

## **Analysis**

56. Policy MIZ-P7 of the Moturoa Island chapter in the notified PDP, refers to the provision for a potable and firefighting water supply as a consideration for managing land use and subdivision to address effects of activities requiring resource consent. There is no other reference to emergency services in the Moturoa Island chapter in the notified PDP. The submission from FENZ seeks a permitted activity rule for emergency service facilities in the Moturoa Island Special Purpose Zone. I note that the PDP:

- a) Defines an emergency service facility as “means fire stations, ambulance stations, police stations and associated ancillary facilities”. The relief sought from FENZ is therefore broader than the development of just fire stations, which is the key focus of their submission point.
- b) Enables emergency service facilities to be established as a permitted activity in certain zones (including the Light Industrial and Mixed-Use Zones with no conditions, and the Rural Production Zone subject to the condition that the GFA does not exceed 150m<sup>2</sup>) while requiring resource consent for these facilities in other zones where there is greater potential for adverse effects on the surrounding environment (e.g. a discretionary activity in the Residential Zone).

57. Under the notified Moturoa Island Zone rules, an emergency service facility would require resource consent as a non-complying activity under MIZ-R5 (activities not otherwise listed in this chapter). In my opinion, this activity status is appropriate as the Moturoa Island Special Purpose zone recognises and provides for this unique environment which includes residential, farming and conservation activities. All development on the Island is guided by the Moturoa Island Development Plan. Emergency service facilities are not anticipated in the zone and appear inconsistent with the purpose of the zone. Given this special purpose zone is an island with no roading network, this would create challenges for access by emergency services. Emergencies on Moturoa Island can be responded to in the same way as other islands in the Bay of Islands. FENZ may wish to provide additional information at the hearing on how it responds to emergencies on Motorua Island and whether it considers that it needs to develop a different approach, including the construction of an emergency service facility (such as a fire station) on the island. At this stage, I do not consider that there is sufficient information to demonstrate that specific permitted activity provision for an emergency services facility is appropriate on the island. Accordingly, I recommend that this submission point from FENZ is rejected.

58. In terms of supporting the response of emergency services on Moturoa Island I agree that policy MIZ-P7 should be retained as notified as it covers many of the issues that should be considered as part of a resource consent application including provision for a potable and firefighting water supply. FENZ noted that this approach should be copied throughout the District

Plan. The reason this wording was included in MIZ-P7 is because it relates to an island, and it is important that potable and firefighting water supply be provided, as there is no available access to the Council reticulated water supply network. I do not consider it appropriate to copy this across all district plan zones, given that the district-wide subdivision chapter contains SUB-S3, which relates to water supply and specifically mentions, 'All new allotments must have access to sufficient water supplies for firefighting consistent with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.' In my view, this provides adequate reference to the provision of sufficient water supplies for firefighting purposes.

### Recommendation

59. For the above reasons I recommend that submission point S512.044 is accepted in part and S512.068 is rejected.

### Section 32AA evaluation

60. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## 5.2.4 Key Issue 4: Relocatable buildings as a permitted activity

### Overview

Provision(s)	Officer Recommendation(s)
Rules	<ul style="list-style-type: none"> <li>Amend wording to clarify rule MIZ-R1 includes relocated buildings.</li> </ul>

### Analysis of Submissions on Key Issue 4

#### Matters raised in submissions

61. Heavy Haulage Assoc Inc (S482.018) seek to insert a new rule requesting relocatable buildings are a permitted activity subject to specified performance standards. The standards for the permitted activity rule requested by the submitter include the provision of a pre-inspection report. Where the permitted activity standard is not met, relocated buildings would become a restricted discretionary activity. The submitter's reasons for this request are that they consider that the definition of "building" does not clearly include relocated buildings and the existence of a separate definition of relocated buildings in the PDP appears to create a distinction between "buildings" and "relocated buildings". The submitter considers that it is not clear that the permitted activity status applied in most zones to "new buildings and structures" also applies to the relocation of buildings. The submitter considers that the controls on constructed buildings and relocated buildings should be identical, as the effects are essentially the same. The submitter considers that this is in accordance with the RMA as expressed in the Environment Court decision of *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding).

## Analysis

62. In response to the submission from Heavy Haulage Assoc Inc requesting a new permitted activity rule for relocatable buildings, I disagree that such a rule is necessary for the Moturoa Island zone. Rule MIZ-R1 as notified in the PDP is a permitted activity rule which refers to "*New buildings or structures, and extensions or alterations to existing buildings or structures*".
63. It is my view that "new buildings or structures" includes relocatable buildings even if they are not new in terms of the date they were built. The key point is that the building is "new" to the site it is relocated to or constructed on. An older relocated dwelling can be new in the context of its location on Moturoa Island when it is relocated to the Island or moved from one part of the island to another. This is supported by the definition of the word "new" from Oxford Languages which is as follows:
1. *Produced, introduced, or discovered recently or now for the first time; not existing before.*
  2. *already existing but seen, experienced, or acquired recently or now for the first time.*
64. The definition of "building" within the notified PDP, which is a National Planning Standards definition, also supports this interpretation as the definition refers to a moveable physical construction. The full definition of "building in the PDP" is as follows:
- means a temporary or permanent movable or immovable physical construction that is:*
- a. *partially or fully roofed; and*
  - b. *fixed or located on or in land;*
- but excludes any motorised vehicle or other mode of transport that could be moved under its own power.*
65. On this basis, I do not consider that a specific rule for relocated buildings is required in Moturoa Island Special Purpose Zone as these are already provided for under Rule MIZ-R1 which treats new and relocated buildings the same. This is appropriate in my view as I agree with Heavy Haulage Assoc Inc that there is no real difference in effects of a construction of a new building and relocation of a second-hand building. Despite my assessment above, I believe the existing rule MIZ-R1 can provide additional clarity by amending the description to include specific reference to relocated buildings.

## Recommendation

66. For the above reasons, I recommend submission S482.018 from Heavy Haulage Assoc Inc is accepted in part, and the rule description in rule MIZ-R1 is amended to include the words '*, and relocated buildings*' as follows: *New buildings or structures, relocated buildings, and extensions or alterations to existing buildings or structures.*

67. As a consequential amendment I also recommend the precursor wording for PER-1, PER-2 and PER-3 is amended to read: *The new building or structure, relocated building or extension...*

**Section 32AA evaluation**

68. The recommended amendment is appropriate, efficient and effective because it clarifies the intent of the PDP (to permit relocated buildings and new buildings, subject to standards to manage potential environmental effects), reduces ambiguity and provides clarity which reduces costs associated with plan interpretation and implementation.

**5.2.5 Key Issue 5: Notified Rules**

**Overview**

Provision(s)	Officer Recommendation(s)
Rules	<ul style="list-style-type: none"> <li>Retain as notified except amend MIZ-R3 to specify the types of farming that are appropriate.</li> </ul>

**Analysis of Submissions on Key Issue 5**

**Matters raised in submissions**

69. FNDC (S368.033) seek to amend MIZ-R3 to remove reference to farming and make it more specific by referring to the grazing of sheep and goats. The submitter considers that this correction is required as the intent of 'Farming' in condition PER-2 is to limit it to the grazing of sheep and goats as identified in condition PER-1. The requested amendment is as follows:

*Farming*

*Activity status: Permitted*

*Where:*

*PER-1*

*Farming is limited to the grazing of sheep and goats.*

*PER-2*

*Farming The grazing of sheep and goats is outside of any significant natural area identified on the Moturoa Island Development Plan as Conservation/wildlife areas.*

70. Moturoa Island Limited (S30.003) supports the rules as notified in the PDP. The reasons for the submitter's support are they consider the operative District Plan and the PDP to be satisfactory, especially regarding the management of significant natural beauty and cultural areas. They support adopting the PDP without any amendments.

**Analysis**

71. The content of the notified PDP Moturoa Island chapter has largely been rolled over from the ODP although it has been updated to align with the National Planning Standards.
72. The Moturoa Island chapter includes rules MIZ-R3, which is a permitted activity rule for farming. Condition PER-1 limits farming in the zone to the grazing of sheep and goats. Condition PER-2 limits farming to areas that are outside of conservation/wildlife areas on the Moturoa Island Development Plan, but this condition refers to farming generally, not the specific type of farming that is allowed by condition PER-1 in the zone. This approach is also consistent with the direction in policy MIZ-P4.
73. In response to the submission of FNDC (S368.033), I agree that it is appropriate to amend the wording to specify that farming in the Moturoa Island zone is limited to the grazing of sheep and goats. Condition PER-1 of MIZ-R3 already states this limitation. However, the notified wording of condition PER-2 may be misleading, as the District Plan's definition of farming encompasses a much wider scope of activities.
74. In response to the submission from Moturoa Island Limited (S30.003) supporting the rules as notified, in relation to Rule MIZ-R3, I have set out above why I consider this should be amended. All other rules I agree should be retained as notified.

### **Recommendation**

75. For the above reasons, I recommend submission S368.033 is accepted and S30.003 is accepted in part. I recommend rule MIZ-R3 is retained with amendments, as follows:

*PER-2*

*Farming The grazing of sheep and goats is outside of any significant natural area identified on the Moturoa Island Development Plan as Conservation/wildlife areas.*

### **Section 32AA evaluation**

76. I consider that the amendments I have recommended are more appropriate than the notified provisions because they provide improved support for achieving the proposed objectives and provide for greater clarity and consistency of district plan interpretation.

## **6 Conclusion**

77. This report has provides an assessment of submissions received in relation to the Moturoa Island chapter. The primary amendments that I have recommended relate to:
- a) Amendment to the farming rule to clarify its intent that only certain types of farming on Moturoa Island are permitted.
  - b) Amendment to the description of the new buildings and structures rule to clarify relocated buildings are included.



78. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Moturoa Island chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report.

79. I recommend that provisions for the Moturoa Island chapter matters be amended as set out in the Moturoa Island chapter of the Officer Recommendation version of the ePlan and in Appendix 1 below for the reasons set out in this report.

80. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

**Recommended by:** Kenton Baxter – Policy Planner, Far North District Council.

A handwritten signature in blue ink, appearing to read 'Kenton Baxter', is positioned below the 'Recommended by' text.

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council.

**Date:** 20 May 2024